

REMARKS

Prior to entry of this paper, Claims 10, 11, 36, 41, 42, 44, 45, 47-49, 56, 57, and 59-65 were pending in this application. By this paper, Claims 10, 11, 36, 41, 42, 44, 45, 47-49, 56, 57, 59-61, and 63-65 are amended and Claims 66-68 are added. Therefore consideration of Claims 10, 11, 36, 41, 42, 44, 45, 47-49, 56, 57, and 59-68 is respectfully requested.

Rejections under 35 U.S.C. § 101

The Office Action rejects independent Claims 10, 36, and 56 under 35 U.S.C. § 101 as being unpatentable for failing to be tied to another statutory class or transforming underlying subject matter to a different state or thing. In particular, the Office Action indicates that the tie to another statutory class in Claim 10 is representative of extra-solution activity. *Office Action*, page 3.

However, amended Claim 10 recites, in part:

A *computer-implemented method* for transmitting content data over a network of devices, the method *configured for execution by at least one computing device*, the method comprising:

receiving content data objects from a plurality of publishers;

storing the received content data objects in a computer readable storage device;

receiving from a client device data representing a selection of two or more of the content data objects;

receiving from the client device data representing payment terms and conditions for transmission of the selected content data objects;

receiving from the client device data representing a requested format of one or more of the selected content data objects;

transforming the one or more selected content data objects from respective native formats as provided by the respective publishers to the requested format;

storing the transformed content data objects in a computer readable storage device . . .

Therefore, Claim 10 recites “a *computer-implemented method . . . configured for execution by at least one computing device*.” Furthermore, Claim 10 recites, *inter alia*, storing the received content data objects in a computer readable storage device and storing the transformed content data objects. Thus, Claim 10 ties the method to a computing device, and the tie is more than mere extra-solution activity. Furthermore, the Office Action merely makes the conclusory

statement that the tie is representative of extra-solution activity without providing any further explanation or any consideration of the features of Claim 10.

Furthermore, Applicant respectfully submits that a “claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, or (2) it transforms a particular article into a different state or thing.” *In re Bilski*, 545 F.3d 943, 954 (Fed. Cir. 2008), *cert. granted*, 129 S. Ct. 2735 (2009). As stated in *Bilski*, where “data clearly represent[s] physical and tangible objects... the transformation of that raw data ... [is] sufficient to render that ... process patent-eligible.” and “the claim [is] not required to involve a transformation of the underlying physical object that the data represented.” *Id.* Accordingly, the element of “transforming the one or more of the selected content data objects from respective native formats as provided by the respective publishers to the requested format,” falls within the “transformation” prong of *Bilski*’s patent eligibility test. Thus Claim 10 meets both the machine *and* transformation prongs of *Bilski* and, therefore, is patent eligible under § 101.

Moreover, Claim 36 is directed to “[a] *computer coupled* in data communication with a client device via one or more networks, *the computer comprising: a processor; and a computer readable storage device* configured to store one or more programs” Additionally, Claim 56 is directed to a “*computer readable storage medium* storing software instructions that are readable by a computing system” Because Claims 36 and 56 are directed toward a “computer” and a “computer readable storage medium,” respectively, these claims are each directed toward a statutory class.

Therefore, for at least these reasons these rejections of Claims 10, 36, and 56 are believed to be overcome, and removal of these rejections is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

The Office Action rejects independent Claims 10, 36, 56, and 63 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,279,112, issued to O’Toole (hereinafter “O’Toole”), in view of U.S. Patent 6,304,857, issued to Heindel (hereinafter “Heindel”), and further in view of U.S. Patent 5,659,742, issued to Beattie (hereinafter “Beattie”). However, O’Toole, Heindel, and Beattie, alone and in any combination, fail to teach or suggest independent Claims 10, 36, 56, and 63.

The Office Action indicates that O'Toole does not “disclose receiving indications from the client device of a requested format of one or more of the indicated content data objects; storing received indications in a computer readable storage device; transforming the one or more of the indicated content data objects from respective native formats as provided by the respective publishers to the requested format; storing the transformed content data objects in a computer readable storage device and aggregating at least some of the transformed content data objects.” The Office Action then indicates that Beattie teaches these features. *Office Action*, pages 5-6. However, for at least the reasons discussed below, Beattie also fails to teach or suggest these features.

Beattie describes that “[t]he data center 110 includes session server 114 which includes means for receiving a *search query* from user station 102, means for sending the *search query* to a query server 116, means for receiving *search results information* from the query server 116, [and] means for sending a *search results list* representative of the search results information across communications channel 108 to the user station 102.” *Id.* at col. 8, line 63 to col. 9, line 2 (emphasis added). Thus, Beattie appears to disclose receiving a search query from a user station, searching a database for documents responsive to the search query, and returning a results list to the user station. However, nowhere does Beattie describe receiving a requested format or receiving an indicator of a requested format. *See Beattie*, Specification.

In contrast to Beattie, amended Claim 10 recites, in part:

A computer-implemented method . . . comprising:
receiving content data objects from a plurality of publishers . . .
receiving from the client device *data representing a requested format* of one or more of the selected content data objects;
....
transforming the one or more selected content data objects *from respective native formats as provided by the respective publishers to the requested format*;
storing the transformed content data objects in a computer readable storage device; and
aggregating at least some of the *transformed content data objects*.

1. Receiving Data Comprising a Requested Format

Claim 10 recites “receiving from the client device *data representing a requested format* of one or more of the selected content data objects.” Beattie instead describes receiving a *search query* that is later used to search a database. Thus, Beattie appears to describe receiving a search

query rather than data comprising a requested format. Additionally, Beattie describes that “[t]he document information received from the sources 112 is convened from the input format of the publisher 112 into *the universal publisher processing format* within the data preparation component 900.” *Id.* at col. 26, lines 33-40. Thus, Beattie teaches away from this feature of claim 10 because (1) the system in Beattie converts document information into a “universal publisher processing format” and, thus, the system has no need to receive a format request that is sent to itself, and (2) the format is a “universal publisher processing format,” so there is no need to receive a requested format because all documents are converted into the same format.

2. Transforming Content Data Objects to the Requested Format

Claim 10 recites “transforming the one or more selected content data objects from respective native formats as provided by the respective publishers to the *requested format* [received from a client device].” First, Beattie does not describe this feature because Beattie does not describe receiving a requested format. Second, Beattie describes that “[t]he data preparation component 900 receives information representative of documents from a plurality of publishers or document sources 112 The document information received from the sources 112 is convened from the input format of the publisher 112 into *the universal publisher processing format* within the data preparation component 900.” *Id.* at col. 26, lines 33-40. Thus, Beattie appears to describe that the system 100 receives document information from a publisher and *then converts the document information into a universal format*. Thus, Beattie teaches away from this feature of claim 10 because Beattie describes converting document information into a universal format of the system, in contrast to “transforming the one or more selected content data objects . . . to the *requested format* [received from the client device],” as recited by Claim 10.

3. Aggregating the Transformed Content Data Objects

Claim 10 recites “aggregating at least some of the transformed content data objects.” In contrast, Beattie describes that “[w]hen the document information is converted into the universal publisher processing format, the data preparation component 900 stores the converted document information in the image/text database 118 for retrieval in response to a query from a user station 102.” *Id.* at col. 26, lines 40-44. Thus, Beattie appears to describe storing converted documents

but does not teach or suggest "aggregating at least some of the transformed content data objects," as recited by Claim 10.

Accordingly, for at least these reasons, O'Toole, Heindel, and Beattie, whether considered alone or in any combination, fail to support a § 103 rejection of Claim 10 and removal of this rejection is respectfully requested.

Amended Claim 36 recites, in part:

A computer . . . comprising:
a processor; and
a computer readable storage device configured to store one or more programs;
wherein the computer is configured to execute one or more programs stored on the computer readable medium in order to . . .
initiate transmission of a third interface to the client device, *the third interface configured to receive a requested format of the selected content data objects;*
transform one or more of the content data objects from respective native formats to the requested format

Amended Claim 56 recites, in part:

A computer readable storage medium storing software instructions that are readable by a computing system, wherein the software code is executable on the computing system to cause the computing system to perform operations comprising . . .
receiving a requested format of selected content data objects . . .
transforming one or more of the selected content data objects from respective native formats to the requested format.

Amended Claim 63 recites, in part:

A computing device comprising . . .
a format selection module configured to receive data comprising a requested format;
means for transforming one or more of the selected content data objects from respective native formats as provided by the publishers to the requested format.

Although independent Claims 36, 56, and 63 each include different features than Claim 10, the comments directed above to O'Toole, Heindel, and Beattie also apply to those features of Claims 36, 56, and 63 that are similar to those discussed with regard to Claim 10. In addition, Claims 36, 56, and 63 recite further different features. Therefore, for the reasons discussed above, where applicable, O'Toole, Heindel and Beattie do not support a § 103 rejection of Claims 36, 56 and 63, and removal of these rejections is respectfully requested.

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Dependent Claims

Dependent Claims 11, 41, 42, 44, 45, 47-49, 57, 59-62, and 64-65 depend from various independent claims discussed above. Thus, Claims 11, 41, 42, 44, 45, 47-49, 57, 59-62, and 64-65 benefit from the comments and revisions discussed above to their corresponding independent claims. In addition, Claims 11, 41, 42, 44, 45, 47-49, 57, 59-62, and 64-65 recite additional features not shown or suggested by the cited art.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding the propriety of any stated rejections. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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